

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LOCAL GOVERNMENT
5 SUBDIVISION VARIANCE PROCEDURE; REQUIRING AND PROHIBITING CERTAIN CONSIDERATIONS
6 WHEN HEARING A VARIANCE REQUEST; PROVIDING A DEFINITION; AND AMENDING SECTION 76-3-
7 506, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 76-3-506, MCA, is amended to read:

12 **"76-3-506. Provision for granting variances.** (1) Subdivision regulations may authorize the
13 governing body, after a public hearing on the variance request before the governing body or its designated
14 agent or agency, to grant variances from the regulations when strict compliance will result in undue hardship
15 and when it is not essential to the public welfare.

16 (2) When determining whether to grant a variance request, the governing body:

17 (a) may consider the affordability of housing in the geographical area where the subdivision is
18 located; and

19 (b) may not consider:

20 (i) whether the variance would be applicable to other properties; or

21 (ii) the surrounding community character.

22 ~~(2)~~(3) Any variance granted pursuant to this section must be based on specific variance criteria
23 contained in the subdivision regulations.

24 ~~(3)~~(4) A minor subdivision as provided for in 76-3-609(2) is not subject to the public hearing
25 requirement of this section.

26 (5) As used in this section, "undue hardship" means a circumstance in which special conditions
27 make strict conformity with subdivision regulations burdensome or unreasonable and may include
28 considerations of:

